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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
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6 **ROBERT LAWRENCE WILLIAMS,**

7 Plaintiff,

8 vs.

9 **CITY OF OAKLAND, ET AL.,**

10 Defendants.

CASE NO. 17-cv-05238-YGR

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

Re: Dkt. No. 35

11 The Court has reviewed Plaintiff's Motion for Appointment of Counsel. (Dkt. No. 35.)

12 In contrast to criminal proceedings, there generally is no constitutional right to counsel in
13 civil actions. *United States v. 30.64 Acres of Land*, 795 F.2d 796, 801 (9th Cir. 1986) ("There is
14 normally . . . no constitutional right to counsel in a civil case."). In proceedings *in forma*
15 *pauperis*, the Court has the statutory power only to "request an attorney to represent any person
16 unable to afford counsel." 28 U.S.C. § 1915(e)(1). This decision of whether to request counsel is
17 within the discretion of the district court and is "granted only in exceptional circumstances." *See*
18 *Agyeman v. Corr. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004) (quoting *Franklin v. Murphy*,
19 745 F.2d 1221, 1236 (9th Cir. 1984)). Deciding whether "exceptional circumstances" exist
20 requires an evaluation of the likelihood of plaintiff's success on the merits as well as the ability of
21 the plaintiff to articulate his or her claims *pro se* in light of the complexity of the legal issues.
22 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (citing *Weyandt v. Look*, 718 F.2d
23 952, 954 (9th Cir. 1983)).

24 Although the Court is sympathetic to plaintiff's current condition, at this stage of the
25 proceedings, the Court is unable to determine whether the exceptional circumstances required for
26 requesting counsel are present here. Accordingly, plaintiff's motion for appointment of counsel is
27 **DENIED WITHOUT PREJUDICE.** The Court may reconsider on its own motion and request
28 appointment of counsel later in the proceedings.


1 The Court advises plaintiff that a Handbook for Pro Se Litigants, which contains helpful
2 information about proceeding without an attorney, is available in the Clerk's office or through the
3 Court's website, <http://cand.uscourts.gov/pro-se>.

4 The Court also advises plaintiff that additional assistance may be available by making an
5 appointment with the Legal Help Center. **There is no fee for this service.** To make an
6 appointment with the Legal Help Center in San Francisco, Plaintiff may visit the San Francisco
7 Courthouse, located at 450 Golden Gate Avenue, 15th Floor, Room 2796, San Francisco,
8 California, 94102, or call 415/782-9000 (ext. 8657). To make an appointment with the Legal Help
9 Center in Oakland, plaintiff may visit the Oakland Courthouse, located at 1301 Clay Street, 4th
10 Floor, Room 470S, Oakland, California, 94612, or call 415/782-8982. The Help Center's website
11 is available at <http://www.cand.uscourts.gov/helpcentersf>.

12 This Order Terminates Docket Number 35.

13 **IT IS SO ORDERED.**

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15 Dated: September 21, 2018

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17 YVONNE GONZALEZ ROGERS
18 UNITED STATES DISTRICT COURT JUDGE
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